

Summary of SEVP—Stakeholder Meeting/Call

September 6, 2012

These notes were taken by NAFSA staff and members during the liaison call and have not been reviewed or approved by SEVP. They reflect paraphrased responses by agency officials and not necessarily their verbatim statements. This is general information provided by government officials in an informal setting, best used to gain a general understanding of current agency processes and policies, and it is important to recognize that agency processes and policies are subject to change. NAFSA notes and liaison summaries do not constitute legal advice.

Participants: SEVP officials; stakeholder representatives: Katherine Bellows (AIEA), David Elwell (NAFSA), David Fosnocht (NAFSA staff), Kelly Franklin (UCIEP), Amy Makiyama (NAFSA), Kasey McCarthy (NAFSA), Beata Schmid (AAIEP), Nithy Sevanthinathan (CCID), Steve Springer (NAFSA staff), Rachel Weber (NAFSA), Kate Voigt (AILA staff), Hamel Vyas (medical institution representative).

The questions were submitted to SEVP in advance, and the attached operational metrics (charts and statistics) were provided to stakeholders by SEVP in response to the questions prior to the meeting.

1. Please provide current SEVP processing times for Form I-17 update adjudications:

--How long, on average, is it taking SEVP to adjudicate updates to PDSO and DSO fields, both generally and for institutions who follow the expedite process outlined in SEVIS Broadcast Message 1106-02?

--How long, on average, is it taking SEVP to approve updates to the “courses of study and the time necessary to complete each” field?

Response: See chart #1 below. It is not possible, at this time, to “break out” the data by type of update. SEVP indicated that updates to DSO information are processed in about one month, but other kinds of updates are taking three to four months. SEVP realizes that speeding up the processing time for updates is essential and is committed to doing so. Stakeholders pointed out the hardships that accompany update processing delays, especially DSO update processing delays. SEVP agrees that schools should not have to wait 30 days for a DSO update. SEVP has already undertaken several initiatives to speed up processing and eliminate backlogs, including hiring more adjudicators, front-loading the process to help ensure that all necessary information is obtained initially, informing users in advance about the process, and enhancing internal processing efficiencies. Within six months we should clearly see the fruits of these initiatives in faster processing times and smoother processes. SEVP also intends to publish information about processes on the web to help ensure smoother processes.

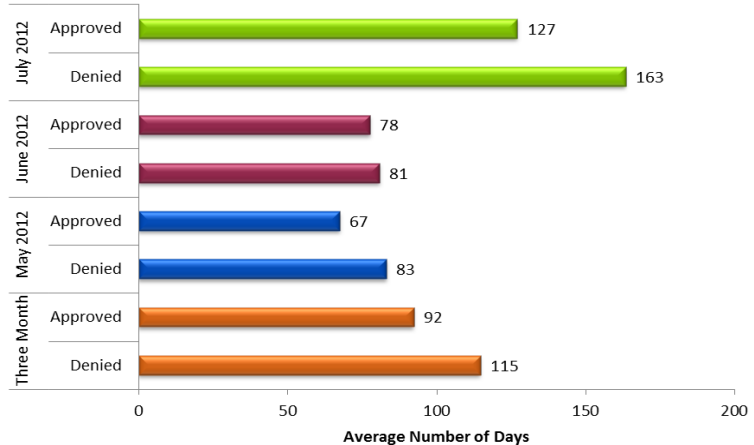
In response to a follow-up question SEVP, explained that there many and varied reasons for the denials, including ineligibility for the requested update, failure to respond to a request for evidence, and even requests by the applicant that SEVP deny so the applicant can re-submit.



1 – Please provide current SEVP processing times for Form I-17 update adjudications

- How long, on average, is it taking SEVP to adjudicate updates to PDSO and DSO fields, both generally and for institutions who follow the expedite process outlined in SEVIS Broadcast Message 1106-02?
- How long, on average, is it taking SEVP to approve updates to the “courses of study and the time necessary to complete each” field?

Petition Updates		Approved	Denied
July 2012	Cases	425	48
	Average	127	163
	Range	[0, 850]	[11, 363]
June 2012	Cases	351	44
	Average	78	81
	Range	[0, 1461]	[12, 249]
May 2012	Cases	386	27
	Average	67	83
	Range	[0, 899]	[1, 350]
Three Month	Cases	1162	119
	Average	92	115
	Range	[0, 1461]	[1, 363]



- Number of days to complete a petition updates for the period of May – July 2012

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2. Are there plans to post Form I-17 update adjudication processing times on your web site so that stakeholders can have this information and plan accordingly? We would strongly encourage this approach, common among federal agencies and even DHS entities like USCIS.

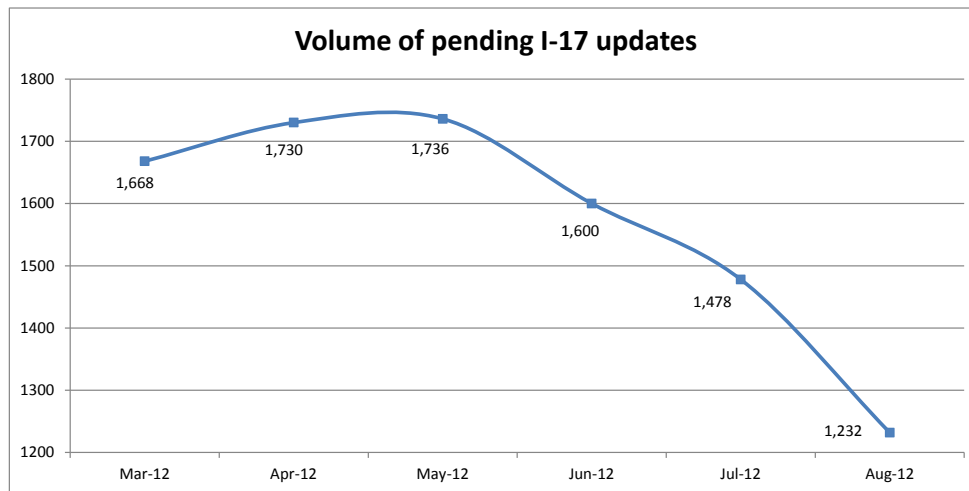
Response: SEVP shares stakeholders’ interest in making processes more transparent to users and informing users about processing times. At present, this is simply an “IT challenge” since the firewalls within ICE’s systems do not allow the kind of processing time publication that, for example, USCIS systems allow. SEVP hopes at some point to be able to post processing times on the “Study in the States” web site (<http://studyinthestates.dhs.gov/>) where other SEVP information is currently posted.

3. What is the current volume of pending I-17 updates awaiting adjudication, and how many adjudicators are processing them? We note that at the NAFSA Annual Conference Ms. Currie stated that approximately 1600 were pending and four adjudicators were processing them. Has the backlog or the staff dedicated to this process changed?

Response: See chart #3 below. SEVP is working diligently to decrease the backlog and reduce processing times. In recent months 15 adjudicators have been hired to work on updates. SEVP has instituted some efficiencies in the process and continues to seek ways to make it more efficient. This can be even more effective than hiring additional adjudicators. SEVP is currently prioritizing updates of schools that will soon begin the recertification process.



3 – What is the current volume of pending I-17 updates awaiting adjudication, and how many adjudicators are processing them? We note that at the NAFSA Annual Conference Ms. Currie stated that approximately 1600 were pending and four adjudicators were processing them. Has the backlog or the staff dedicated to this process changed?



- 1,232 pending I-17 updates (as of 8/16/2012)
- 5 adjudicators dedicated to processing I-17 updates

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4. Is there a process in place for expediting a long-pending I-17 update request, and—if so—what is the process, and how long should PDSOs/DSOs wait before requesting (is the waiting the same for all kinds of updates)? DSOs have mentioned that requesting such an expedite through the Help Desk has not been effective.

Response: Send an e-mail message to Update.SEVIS@dhs.gov if a DSO update has been pending for more than 30 days or any other kind of update has been pending for more than 60 days. This is particularly important to do if you have a reinstatement application pending. If you send an e-mail message to this address, please be sure to indicate if you have a recertification application pending.

5. Can you discuss the legal or regulatory basis for adjudicating Form I-17 updates, particularly updates to:

- “Courses of study and the time necessary to complete each” and
- “Average annual numbers: Classes, Students, Teachers or Instructors, and Non Teaching Employees”

We note that 8 CFR 214.3(h)(3)(i) lists the “Form I-17 information that requires out-of-cycle review when changed.” “Courses of study and the time necessary to complete each” is not listed there.

Response: *Note: SEVP did not specifically address the basis for adjudications. In other discussions SEVP has indicated that it believes the existence of the certification and recertification processes in the law and regulations—rather than any specific regulation or law—provide the legal basis for it to adjudicate updates. SEVP explained reasons that it considers adjudications to be necessary in responses to some of the other questions.*

6. Can you discuss the criteria applied in adjudicating Form I-17 updates? For example, what are the criteria applied in adjudicating a change in the number of an institution’s instructors, the addition of a DSO, or the addition of a course of study? How have these criteria been derived or established? Are there plans to publish them so that stakeholders can know the standards to which they are being held? We would strongly encourage SEVP to publish them and explain the basis.

Response: SEVP shares stakeholders’ interest in publishing the criteria so that users can know in them. SEVP is currently preparing an “Adjudicator’s Manual” that will provide guidance on each I-17 item, the evidence expected of those applying for an update, and the criteria used in adjudicating the request. This will also help ensure uniformity in SEVP adjudications. The manual is currently about 60% complete. SEVP’s goal is to have a more complete draft this winter that can be published for public comment. SEVP is also working on a visual (Camtasia) presentation on completing the I-17 step-by-step and hopes to publish it soon on the Study in the States web site (<http://studyinthestates.dhs.gov/>).

SEVP realizes that the current process does not provide incentives for submitting the required updates (since submitting an update “locks” the I-17 for months) and wants to eliminate any perceived penalties for following SEVP requirements. There is no mechanism in place at this time that would allow SEVP to separate “minor updates” and process them more quickly than “major updates” or to process a DSO update more quickly for a recently recertified school. SEVP has, however, been able to assign more adjudicators to work on DSO updates in order to speed those.

Stakeholders noted that “number on instructors,” for example, seems a particularly strange item for SEVP to adjudicate. SEVP explained that this kind of adjudication is not aimed at accredited and established institutions but is a fraud indicator.

--We understand that “accreditation” is one of the factors considered in adjudicating the addition of a course of study. Can you discuss the evidence of accreditation that is required and how it is evaluated?

Response: SEVP simply looks for evidence of institutional accreditation and asks for documentation (from an accrediting body) of accreditation. SEVP first attempts to verify accreditation online (on the web site of the accrediting body listed). SEVP hopes to verify the accreditation quickly without burdening the applicant. If the information is not available on the accrediting body’s web site, SEVP will ask the applicant for proof of accreditation. SEVP realizes that there can be a time lag between the accreditation of an institution and the posting of that information on the accrediting body’s web site. Stakeholders noted, and SEVP acknowledged, that “campus governed intensive English programs” are not separately accredited by regional accrediting bodies but should be considered accredited if the larger institution is accredited.

SEVP reminded stakeholders about the IEP accreditation FAQ that it had published for comment <http://studyinthestates.dhs.gov/2012/06/esl-school-officials-sevp-wants-your-feedback-on-accreditation-act-guidance>) and indicated that final guidance would be issued soon. SEVP also reminded stakeholders that a recent Government Accountability Office report (<http://www.gao.gov/assets/600/591669.pdf>) indicated that SEVP did not often enough review schools to ensure that they remain accredited.

--Has SEVP denied any updates to courses of study or average numbers?

Response: There have been denials, but they have been quite rare. Most applicants present legitimate requests and proper evidence, so their applications are approved.

7. While adjudicating updates to the “area of study” at field 12 on the I-17 might be considered reasonable, it is difficult to see a reasonable basis for adjudicating updates to the “courses of study” fields. For example, if a school that has been authorized to issue I-20s in the fields of SCIENCE and FINE ARTS wants authorization to issue I-20s in the field of ENGINEERING, it may be reasonable to have SEVP adjudicate this major shift in the school’s offerings. But if a school simply wants to offer a new program within an approved area, or even revise the name and description of a program that it already offers, such a change should not be adjudicated. Will SEVP consider discontinuing adjudication of “courses of study” changes in already approved “areas of study”?

Response: SEVP is refining its processes. SEVP verified that it is seeking proof of overall institutional accreditation and not accreditation of a specific area of study. Again, SEVP checks the accrediting body’s web site first and then seeks evidence from the school if it is not indicated on the accrediting body’s web site. SEVP is striving to make streamline the process so that it is much faster and less cumbersome.

8. We understand that Ms. Currie, former Chief of the Certification Branch, has retired. Can you provide an update on the leadership of the Certification Branch? Is there a new Chief, acting or permanent? Can you discuss SEVP’s plans in this area?

Response: Alex Flores is Acting Chief. Ms. Currie’s official date of retirement is in October so a search will begin afterwards.

9. Since the Form I-17 update adjudication process and the school recertification process intersect in some crucial and often problematic ways for stakeholders, may we also ask for an update on the progress of recertification?

Response: See chart #10 below in addition to the separate responses listed for each bullet point. *Note: this item was initially incorrectly labeled #10, so SEVP’s response below corresponds to #“10.”*

- How many schools have filed complete recertification packages?

Response: 3401

- How many schools have had recertification approved?

Response: 2218

- How many schools have had recertification denied?

Response: 953 withdrawn for failure to file application, presidents of 180 institutions received letters warning withdrawal, 119 of the withdrawn institutions have been reinstated.

- Can SEVP describe the current regimen and any planned changes concerning how schools are invited to apply for recertification? For example:

- How many schools per month are sent a notice to apply for recertification?
- How does SEVP select which schools will be sent a notice to apply for recertification?

Response: 5786 schools have been notified to begin the recertification process. SEVP plans to send 450 notices per month SEVP began the recertification process by recertifying accredited institutions.

- When does SEVP expect to complete the first round of recertification of all schools?
- **Response:** All schools should have received their first recertification notice by July 2013. SEVP began the recertification process by recertifying accredited institutions.
- What is the current average recertification adjudication time, both if no RFI is issued and if an RFI is issued?
- **Response:** average time to adjudicate a recertification application is 148 days, unless a request for evidence is issued in which case average processing time is 173 days.
- What is the RFI rate in the recertification process? We note that at one time 80% to 90% of applicants received an RFI – has this rate changed?

Response: 16% of applicants receive one request for evidence, 4% of applicants receive two or more.

- What percentage of applicants receives a scorecard requiring I-17 updates?

Note: No data provided

- Does SEVP plan to issue guidance to the public or guidelines for adjudicators concerning the licensure/authorization question that proved difficult for many schools (for example, public institutions in Michigan) to answer in a manner that was both accurate and acceptable to SEVP?

Response: Yes. SEVP has issued two items of policy guidance for comment and looks forward to receiving stakeholder input. Expect publication of more draft guidance in the near future. Plans include guidance on “instructional sites,” changes in ownership, and many other topics.

Stakeholders requested that SEVP, in addition to posting the guidance on the Study in the States web site (<http://studyinthestates.dhs.gov/>), also notify SEVIS users through a broadcast message. SEVP indicated that it was reluctant to burden DSOs with such messages but would consider our request.

Note: this question was initially incorrectly labeled #10, so SEVP's response below corresponds to #“10.”



U.S. Immigration
and Customs
Enforcement

School Certification Branch

NAFSA Stakeholder Meeting

10 – Since the Form I-17 update adjudication process and the school recertification process intersect in some crucial and often problematic ways for stakeholders, may we also ask for an update on the progress of recertification?

- How many schools have filed complete recertification packages?
 - 3,401 schools have filed a complete recertification package
- How many schools have had recertification approved?
 - 2,218 schools have been recertified
- How many schools have had recertification denied?
 - 0 schools have been denied recertification
- Can SEVP describe the current regimen and any planned changes concerning how schools are invited to apply for recertification? For example:
 - How many schools per month are sent a notice to apply for recertification?
 - How does SEVP select which schools will be sent a notice to apply for recertification?
- When does SEVP expect to complete the first round of recertification of all schools?
 - SEVP plans to send 450 notices a month. All schools will have received their first recertification notice by July 2013.
- What is the current average recertification adjudication time, both if no RFI is issued and if an RFI is issued?
 - Average time to adjudicate a recertification application is 148 days after filing
 - Average time to adjudicate a recertification application with RFE is 173 days after filing
- What is the RFI rate in the recertification process? We note that at one time 80% to 90% of applicants received an RFI – has this rate changed?
 - 80% of schools did not receive an RFE, 16% of schools received 1 RFE, 4% of schools received 2 or more RFEs (Based on 2007 schools that were sent a notice as of May 2011 and submitted a completed package)
- What percentage of applicants receives a scorecard requiring I-17 updates?
- Does SEVP plan to issue guidance to the public or guidelines for adjudicators concerning the licensure/authorization question that proved difficult for many schools (for example, public institutions in Michigan) to answer in a manner that was both accurate and acceptable to SEVP?

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10. Other questions

In response to a question about how Intensive English Programs (IEPs) can be established if they must first be established in order to be certified, SEVP responded that it is the statute that sets the requirement and leaves no discretion. SEVP indicated that it is currently considering how it will handle IEPs who are not yet accredited but have been deferred by the deadline. It is also in consultation with accrediting bodies to understand fully their processes. SEVP indicated that if a legitimate and functioning IEP has applied for accreditation prior to the deadline, it will likely be allowed to continue enrolling F-1 students. The law leaves no option for IEPs that have not applied by the deadline.

Stakeholders suggested that SEVP reconsider its regulation allowing only three credit hours per term of online/distance education classes to count toward the “full course of study” requirement.